

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

GEORGE S. COHLMIA, JR., M.D.,)	
<i>et al.,</i>)	
)	
Plaintiffs,)	
)	
v.)	Case No. 05-CV-384-GKF-PJC
)	
)	
ARDENT HEALTH SERVICES, LLC,)	
<i>et al.,</i>)	
)	
Defendants.)	

OPINION AND ORDER

Before the Court is Defendant St. John Medical Center’s (“SJMC”) Motion for Clarification of Opinion and Order of November 14, 2008 (Dkt. #300). (Dkt. #309). SJMC seeks clarification of perceived inconsistencies and ambiguities in the Court’s November 14, 2008 Opinion and Order (“Order”). Specifically, SJMC is confused as to the Court’s rulings regarding Interrogatory No. 4 and RP Nos. 32 and 2. SJMC cannot reconcile the Court’s summary ruling in Section A(4) of the Order regarding peer review with its exclusion of RP No. 2 and inclusion of Interrogatory No. 4 and RP No. 32 in the discovery it must produce and answer.

First, the Court notes that its summary ruling in Section A(4) regarding peer review is as follows:

Within the parameters set forth above, see Section III(A)(2), the Court orders AHS to produce all “peer review” information responsive to Interrogatory Nos. 4, 5, 14 and 17 as well as RP Nos. 3, 4, 32, 41, and 44, and SJMC to produce all “peer review” information responsive to Interrogatory Nos. 4 and 5 as well as RP Nos. 3, 4, 19, 20 and 32.

Order, p. 14. The “parameters set forth above” regarding Interrogatory No. 4¹ and RP 32² limit discovery thereunder to

all [unredacted] peer review and/or credentialing files for *cardiovascular surgeons, interventional radiologists and cardiologists* who practice at SJMC, Hillcrest, and the AHS entities within Defendants-defined “relevant geographical market,” *i.e.*, that is, Northeastern Oklahoma, from January 1, 1998 through December 31, 2007, including the 17 OHI physicians listed in Exhibit 1 of Cohlma’s Reply (Dkt. #233).

Order, pp. 12-13 (emphasis added). SJMC thus correctly reads the combined rulings as requiring the production of “Application, credentialing and Peer Review files of all cardiovascular and thoracic surgeons,” “interventional radiologists,” and “interventional cardiologists at SJMC from January 1, 1998 through December 31, 2007.” *SJMC’s Motion*, pp. 3-4.

The Court did not include RP No. 2³ in the summary ruling on production because the parties represented to the Court at the September 18th hearing that the sole issue to be resolved regarding RP No. 2 (as well as RP Nos. 36, 38, 106 and 108 and Interrogatory

¹ Interrogatory No. 4 states:
Identify each and every medical staff member of [SJMC/AHS] whose medical staff privileges were subject to a review of any kind and/or whose medical staff privileges were placed on probation, placed under supervision, limited, suspended, restricted, not reappointed, or revoked from January 1, 1998 to the present. Include in your answer the circumstances and facts related to each review, all findings and conclusions reached, and the actions taken in each instance, including any physician who resigned or terminated his or her own staff privileges voluntarily.

² RP No. 32 requests:
All documents, communications and correspondence, including but not limited to findings, conclusions, root cause analysis, sentinel event reports, variance reports, JCAHO reports, patient files/charts, peer review and/or credentialing materials, transcripts, recordings, and the like, related to each review identified in response to Interrogatory No. 4 above.

³ RP No. 2 requests:
Produce the complete and entire application and credentialing fil and all peer review files for every cardiovascular or thoracic surgeon with privileges or employment at SJMC from January 1, 1998 to the present.

Nos. 9 and 11) was whether the requested documents pertaining to “every cardiovascular or thoracic surgeon with privileges or employment at SJMC from January 1, 1998 to the present” had to be redacted. And the Court had separately concluded in the Order that “*un-redacted* copies of these documents should be produced to Plaintiffs.” *Order*, p. 8-9, n. 10 (emphasis added).

DATED, this 3rd day of December, 2008.



Paul J. Cleary
United States Magistrate Judge